

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO MEDINA CASTANEDA,

Defendant.

CR. NO. S-00-0167 EJG

CR. NO. S-03-0549 EJG

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

Defendant, a federal prisoner proceeding pro se, has filed a motion for appointment of counsel, apparently to assist him in the preparation of a motion to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255. For the reasons that follow, the motion is DENIED.

A defendant has no constitutional right to appointed counsel in post-conviction proceedings. The Sixth Amendment right to counsel extends only through the first appeal. See Coleman v. Thompson, 501 U.S. 722, 755-57 (1991). Rather, if the court, within its discretion determines that "the interests of justice so require", counsel may be appointed for persons seeking relief

1 under sections 2241, 2254 or 2255 of Title 28 of the United
2 States Code. See 18 U.S.C. § 3006A(a)(2). Defendant has filed
3 nothing in support of his request for counsel except a statement
4 that he is indigent, nor are any post-conviction proceedings
5 pending. Accordingly, the court is without any information to
6 determine if the interests of justice will be served by
7 appointment of counsel. The motion is DENIED.

8 IT IS SO ORDERED.

9 Dated: August 30, 2010

10 /s/ Edward J. Garcia
11 EDWARD J. GARCIA, JUDGE
12 UNITED STATES DISTRICT COURT
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